

DOCKET NO.: 2002.02.004.NS0
CLIENT NO.: SAMS01-00188
CUSTOMER NO.: 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : David Allan Collins
Application No. : 10/038,872
Filed : December 31, 2001
For : DISTRIBUTED IDENTITY SERVER FOR USE IN A
TELECOMMUNICATION SWITCH
Art Unit : 2618
Examiner : Angelica Perez

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

Applicant hereby requests a refund in the amount of \$330.00 for the two month extension of time fee charged to Deposit Account No. 50-0208 on November 21, 2006.

Applicant received an Advisory Action dated September 25, 2006 which stated that a response to the final rejection was due on the mailing date of the Advisory Action (September 25, 2006). Applicant therefor responded to the final rejection by filing a Notice of Appeal and Pre-Appeal Brief for Review on October 25, 2006 along with a one month extension of time fee which was the appropriate fee. Attached is a copy of the Deposit Account Statement for November 2006,

02/05/07

18:00

DAVIS MUNCK → 915712736500

NO. 246 004

ATTORNEY DOCKET No.: 2002.02.004.NS0

APPLICATION No.: 10/038,872

PATENT

Advisory Action dated September 25, 2006 and Notice of Appeal and accompanying documents along with the return date stamped postcard.

Therefore, please issue a credit in the amount of \$330.00 to Munck Butrus Deposit Account No. 50-0208 for this overpayment.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 5 Feb. 2007



John T. Mockler
Registration No. 39,775

P.O. Drawer 800889
Dallas, Texas 75380
Tel: (972) 628-3600
Fax: (972) 628-3616
E-mail: jmockler@munckbutrus.com

-2-

PAGE 4/21 * RCVD AT 2/5/2007 7:00:34 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-2/3 * DNS:2736500 * CSID:972 628 3619 * DURATION (mm-ss):08-34

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18:00

DAVIS MUNCK → 915712736500

NO.246 005

Deposit Account Statement

Page 1 of 1


**United States
Patent and
Trademark Office**

Deposit Account Statement

Requested Statement Month:

November 2008

Deposit Account Number:

500208

Name:

MUNCK BUTRUS, P.C.

Attention:

JOHN T MOCKLER

Address:

900 THREE GALLERIA TOWER

City:

DALLAS

State:

TX

Zip:

75240

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/01	66	09773885	107870.00008	2202	-\$50.00	\$5,447.00
11/01	182	3130743	ENFO01-00001	8521	\$40.00	\$5,407.00
11/01	183	3130743	ENFO01-00001	8522	\$25.00	\$5,382.00
11/02	14	10962158	ENFO01-00001	8021	\$180.00	\$5,222.00
11/02	190	11517877	2005.10.005.WSO	8007	\$60.00	\$5,162.00
11/07	3	P112723		1463	\$200.00	\$4,962.00
11/07	530	7100795	CRAN01-00001	8021	\$640.00	\$4,322.00
11/08	3	10875098	16112RRUS01U (NORT10-0034	1202	\$50.00	\$4,272.00
11/09	258	7100795	CRAN01-00001	8021	\$640.00	\$3,632.00
11/09	20	11593870		9204	-\$100.00	\$3,732.00
11/09	8	11593970		9204	\$100.00	\$3,632.00
11/13	887	77040925	RFMI01-00308	7001	\$325.00	\$3,307.00
11/13	897	77040932	RFMI01-00314	7001	\$325.00	\$2,982.00
11/13	903	77040934	RFMI01-00315	7001	\$325.00	\$2,657.00
11/13	54	E-REPLENISHMENT		9203	-\$3,000.00	\$5,657.00
11/17	1629	78492848	OSTI01-00012	7004	\$150.00	\$5,507.00
11/21	3	10038872	SAMS01-00188	1252	\$330.00	\$5,177.00
11/24	184	60724019	2005.09.007.WSO	8007	\$80.00	\$5,117.00
11/24	186	11505253	2005.10.006.WSO	8007	\$80.00	\$5,057.00
11/24	187	60771617	2005.10.006.WSO	8007	\$80.00	\$4,997.00
START BALANCE			SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
\$5,397.00			\$3,550.00	\$3,150.00	\$4,997.00	

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02/05/07 18:00 DAVIS MUNCK → 915712736500
4 months to review g.
Advisory Note
UNITED STATES PATENT AND TRADEMARK OFFICE



Due 10/25/06

NO. 246 006

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22315-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,872	12/21/2001	David Allan Collins	SAMS01-00188	6634

7590 09/25/2006
Docket Clerk
P.O. Box Drawer 800889
Dallas, TX 75380

EXAMINER
PEREZ, ANOELICA

ART UNIT PAPER NUMBER
2618

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
SEP 28 2006
MUNCK BUTRUS

DOCKETED
SEP 28 2006

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/038,872	Applicant(s) COLLINS, DAVID ALLAN	
	Examiner Perez M. Angelica	Art Unit 2618	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 18 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).

Extensions of time may be obtained under 37 CFR 1.136(e). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.118 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 27-50

Claim(s) withdrawn from consideration: 1-26

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.118(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____

02/05/07

18:00

DAVIS MUNCK → 915712735500

NO. 246 008

Continuation Sheet (PTOL-303)

Application No.


Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues: "...The LBS selectors are not components of the servers...", the examiner would like to indicate where the LBS's are components of the entire system and they do provide back up when the primary/main server fails or is unavailable. Therefore, given the broadest interpretation, the He reference reads on the claims presented by the applicant.


The applicant further argues where the "... LBS...that executes on a server", the examiner would like to remind the applicant where a simple PC can be a server. Thus, a group of computers can perform the tasks described

The applicant argues where: "The He reference fails to describe every element of Claim 27..." The examiner would like to point where every limitation described in the claims has been addressed in the Final Office Action. See rejection dated 6/16/2008.

The applicant further argues where the Patent Office bears the burden of establishing prima facie case of obviousness..."

The examiner would like to answer indicating where the references used in the rejections deal with databases performing similar functions; therefore, the motivation to combine them is proper.


(571) 272-7885

 9/17/16
QUOCHIE B. VUONG
PRIMARY EXAMINER

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18:00

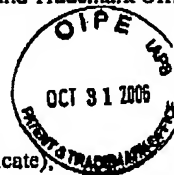
DAVIS MUNCK → 915712736500

NO. 246 D09

Mailed: October 25, 2006
In re. Application of: DAVID ALLAN COLLINS
Serial No.: 10/038,872
Filed: December 31, 2001
Title: DISTRIBUTED IDENTITY SERVER FOR USE IN A
TELECOMMUNICATION SWITCH
Docket No.: 2002.02.004.NS0 (SAMS01-00188)

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Certificate of Mailing by First Class Mail;
- 2) Notice of Appeal;
- 3) Pre-Appeal Brief Request for Review;
- 4) Petition for Extension of Time-one month (in duplicate);
- 5) Fee Transmittal for FY 2006 (in duplicate); and
- 6) Check in the amount of \$620.00 (for Notice of Appeal fee \$500.00 and Petition for Extension of Time fee \$120.00).



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Mailed: October 25, 2006
In re. Application of: DAVID ALLAN COLLINS
Serial No.: 10/038,872
Filed: December 31, 2001
Title: DISTRIBUTED IDENTITY SERVER FOR USE IN A
TELECOMMUNICATION SWITCH
Docket No.: 2002.02.004.NS0 (SAMS01-00188)

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Certificate of Mailing by First Class Mail;
- 2) Notice of Appeal;
- 3) Pre-Appeal Brief Request for Review;
- 4) Petition for Extension of Time-one month (in duplicate);
- 5) Fee Transmittal for FY 2006 (in duplicate); and
- 6) Check in the amount of \$620.00 (for Notice of Appeal fee \$500.00 and Petition for Extension of Time fee \$120.00).

02/05/07 18:00 DAVIS MUNCK → 915712736500

NO. 246 D11

MUNCK BUTRUS, P.C. OPERATING ACCOUNT
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55029

VENDOR: Commissioner of Patents

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66252	SAMS01-188	10/25/2006	620.00	620.00	55029	
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A PROFESSIONAL CORPORATION
900 THREE GALLERIA TOWER
13155 NOEL ROAD
DALLAS, TEXAS 75240
(972) 828-3800

NORTH DALLAS BANK & TRUST CO.
32-98-1110

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TO THE ORDER OF Commissioner of Patents and Trademarks

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055029 111000960 38 5558 00

DOCKET NO. 2002.02.004.NS0
Client No. SAMS01-00188
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : David Allan Collins
U.S. Serial No. : 10/038,872
Filed : December 31, 2001
For : DISTRIBUTED IDENTITY SERVER FOR USE IN A TELE-
COMMUNICATION SWITCH
Group No. : 2618
Examiner : Angelica Perez

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Notice of Appeal;
2. Pre-Appeal Brief Request for Review;
3. Petition for Extension of Time-one month (in duplicate);
4. Fee Transmittal for FY 2006 (in duplicate);
5. Check in the amount of \$620.00 (Notice of Appeal fee \$500.00 and Petition for Extension of Time fee \$120.00); and
6. A postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 25, 2006.

Date:

Oct. 25, 2006

Mailer



Date:

25 Oct. 2006

John T. Mockler
Reg. No. 39,775

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616

02/05/07

18:00

DAVIS MUNCK → 915712736500

NO. 246 013

PTO/SB17 (12-04)

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Patent and Trademark Act of 1985, no person is permitted to prepare or to attempt to prepare a petition for information unless it contains a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618). FEE TRANSMITTAL For FY 2006		Complete If Known Application Number 10/038,872 Filing Date December 31, 2001 First Named Inventor David A. Collins Examiner Name Angelica Perez Art Unit 2618 Attorney Docket No. 2002.02.004.NS0	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$) 620.00			

METHOD OF PAYMENT (check all that apply) <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 50-0208 Deposit Account Name: Munck Butnis, P.C. For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee. <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	

FEE CALCULATION						
1. BASIC FILING, SEARCH, AND EXAMINATION FEES						
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0
2. EXCESS CLAIM FEES						
Fee Description						Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent						50
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent						200
Multiple dependent claims						360
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
- 20 or HP =		Extra Claims	Fee (\$)	Fee Paid (\$)	Fee (\$)	
HP = highest number of total claims paid for, if greater than 20		Extra Claims	Fee (\$)	Fee Paid (\$)	Fee Paid (\$)	
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)		
- 3 or HP =		Extra Claims	Fee (\$)	Fee Paid (\$)		
HP = highest number of independent claims paid for, if greater than 3		Extra Claims	Fee (\$)	Fee Paid (\$)		
3. APPLICATION SIZE FEE						
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(a).						
Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)	
- 100 =		Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)	
		Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)	
4. OTHER FEE(S)						
Non-English Specification, \$130 fee (no small entity discount)						Fee Paid (\$)
Other: Notice of Appeal fee \$500.00 & Petition of Extension of Time-one month fee \$120.00						\$620.00

SUBMITTED BY Signature <i>John T. Mockler</i> Name (Print/Type) John T. Mockler		Registration No. (Attorney/Agent) 39,775	Telephone (972) 628-3600 Date October 25, 2006
--	--	---	---

This collection of information is required by 37 CFR 1.135. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/05/07

18:00

DAVIS MUNCK → 915712736500

NO. 246 014

DOCKET NO. 2002.02.004.NS0
Client No. SAMS01-00188
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : David Allan Collins
U.S. Serial No. : 10/038,872
Filed : December 31, 2001
For : DISTRIBUTED IDENTITY SERVER FOR USE IN A TELE-
COMMUNICATION SWITCH
Group No. : 2618
Examiner : Angelica Perez

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME

Applicant respectfully requests a one month extension of time for filing a Notice of Appeal in response to the Final Rejection mailed June 16, 2006 (and the Advisory Action mailed September 25, 2006). The response period expired on September 25, 2006, and if this Petition for Extension of Time is granted, the new response date will be October 25, 2006.

A check in the amount of \$620.00 is enclosed for the Notice of Appeal filing fee (\$500.00) and Petition for Extension of Time - one (1) month fee (\$120.00). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Page 1 of 2

02/05/07

18:00

DAVIS MUNCK → 915712736500


NO. 246 015

ATTORNEY DOCKET NO. 2002.02.004.NS0
U.S. SERIAL NO. 10/038,872
PATENT

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 2500A 2006


John T. Mockler
Registration No. 39,775

P.O. Drawer 800889
Dallas, Texas 75380
Tel: (972) 628-3600
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email: jmockler@munckbutrus.com

Page 2 of 2

DOCKET No. 2002.02.004.NS0
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : David Allan Collins
Serial No. : 10/038,872
Filed : December 31, 2001
For : DISTRIBUTED IDENTITY SERVER FOR USE IN A TELE-
COMMUNICATION SWITCH
Group No. : 2618
Examiner : Angelica Perez

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

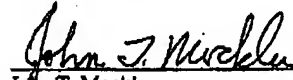
NOTICE OF APPEAL

Applicant hereby appeals to the Board of Appeals from the Final Rejection Office Action dated June 16, 2006 (Advisory Action dated September 25, 2006), of the Primary Examiner finally rejecting Claims 27-50.

A check in the amount of \$620.00 is enclosed in payment of the Notice of Appeal filing fee (\$500.00) and Petition for Extension of Time - one (1) month fee (\$120.00). The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS P.C.


John T. Mockler
Registration No. 39,775

Date: 25 Oct. 2006

P.O. Drawer 800889
Dallas, Texas 75380
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Fax: (972) 628-3616
E-mail: jmockler@munckbutrus.com

DOCKET NO. 2002.02.004.NS0
CUSTOMER No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : David Allan Collins
Serial No. : 10/038,872
Filed : December 31, 2001
For : DISTRIBUTED IDENTITY SERVER FOR USE IN A
TELECOMMUNICATION SWITCH
Group No. : 2618
Examiner : Angelica Perez

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal. The review is requested for the reason(s) stated in the arguments below, demonstrating the clear legal and factual deficiency of the rejections of some or all claims.

DOCKET NO. 2002.02.004.NS0
U.S. SERIAL NO. 10/038,872
PATENT

Claims 27-31 were rejected as anticipated by U.S. Patent No. 6,671,259 to *He, et al.* (hereafter, simply "*He*"). The Examiner has failed to show that the cited reference identically shows every element of the claimed invention in a single reference, arranged as they are in the claims, as required under MPEP § 2131 to establish anticipation. Instead, the Examiner has asserted that elements of *He*, arranged differently than in Claims 27-31, anticipate the claimed invention.

Furthermore, while the Office Action mailed December 1, 2005, applies *He* to Claims 27-31, the Office Action mailed June 16, 2006, finally rejects Claims 27-31, but applies *He* to cancelled Claims 1-5, while addressing some of the arguments made by the Appellant in traversing the non-final rejection of Claims 27-31.

For the convenience of the panel, claim 27 is reproduced below:

27. A controller for allocating call identity values to call connections associated with a switch, said switch capable of handling call connections between calling devices and called devices on a plurality of trunk lines associated with said switch, said controller comprising:
N call application nodes capable of executing a plurality of identity server processes that allocate call identity values to said call connections; and
a load sharing group, selecting one of a first and second identity server processes to allocate a call identity value to a new call connection according to a load distribution algorithm,
wherein said first identity server process comprises a first primary-backup identity server group, comprising,
a first primary identity server application, executing on a first call application node,
and
a first backup identity server application, associated with said first primary identity server application,
and wherein, responsive to a failure of the first primary identity server application, the first backup identity server application assumes the role of first primary identity server application.

That is, the claim recites a controller for allocating call identity values. The controller includes N call application nodes and a load sharing group. The call application nodes are capable of executing

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- 2 -

DOCKET NO. 2002.02.004.JNS0
 U.S. SERIAL NO. 10/038,872
 PATENT

identity server processes. When a call identity value is to be allocated, a load sharing group in the controller selects an identity server process to allocate the call identity value. The identity server process includes a primary identity server application and a backup identity server application. If the primary identity server application fails, the backup identity server application assumes its role.

In contrast, He describes a system that uses servers to satisfy client requests, load balancing servers to select a server for a request, and a load balancing server selector to direct a request to a load balancing server. Figure 1 of He illustrates a block diagram of one embodiment of such a system:

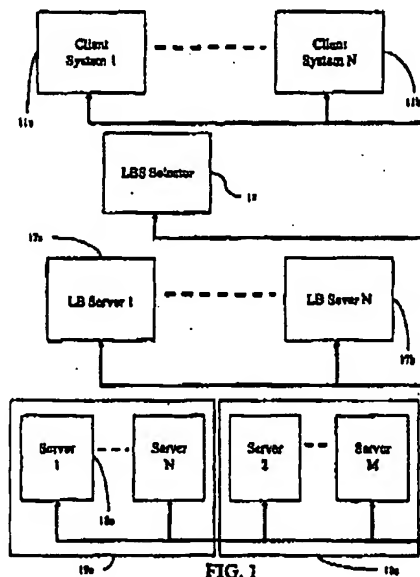


FIG. 1

The Examiner asserts that the servers 18a of He describe the claimed call application nodes capable of executing a plurality of identity server applications [processes]. The Examiner argues that

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unspecified procedures executing on first and second servers 18a describe the first and backup identity server applications [processes]. Because He describes a load balancing server dynamically changing a client from one server to another, the Examiner finds that He thereby teaches that the first and backup identity server applications [processes] form a load sharing group server application [load sharing group].

Having asserted that the servers 18a at the bottom of the He hierarchy describe the load sharing group at the top of the hierarchy of elements in Claim 27, the Examiner then looks to the top of the He hierarchy to find elements at the bottom of the claim hierarchy.

The claim recites that the first identity server process comprises a first primary-backup identity server group, the group comprising primary and backup identity server applications. Having argued that a procedure executing on a server 18a of He teaches a first identity server application [process], the Examiner asserts that He's statement that a one load balancing server selector can act as a backup to another load balancing server selector describes a first identity server application that comprises a first primary-backup group server application [identity server group].

The Examiner further asserts that He's description of a first load balancing server selector becoming inoperable and being replaced by a second load balancing server selector somehow describes a first primary identity server application executing on a first call application node. The Appellant submits that nowhere does He describe a load balancing server selector executing on one of the servers 18a.

As such, the Examiner has not shown that the He reference describes identically shows every element of the claimed invention in a single reference, arranged as they are in the claims, as required

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to establish anticipation of Claims 27-31. Furthermore, the Examiner has failed to suggest a suggestion or motivation to rearrange the elements of the *He* reference to form the elements of Claims 27-31 or Claims 32-50, or to argue why a person of skill in the art would have had a reasonable expectation of success in such a rearrangement.

Therefore, Claims 27-50 distinguish over all art of record. All claims should be allowed, and the Applicant should not be put to the time and expense of an appeal.

CONCLUSION

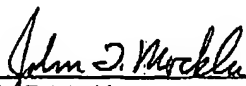
As a result of the foregoing, the Applicant asserts that the claims in the Application are in condition for allowance over all art of record, and respectfully requests this case be returned to the Examiner for allowance or, alternatively, further examination.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS P.C.

Date: 25 Oct. 2006


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US Serial 10/038,872, filed 12/31/2001

Art Unit: 2618

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : David Allan Collins
Application No. : 10/038,872
Filed : December 31, 2001
For : DISTRIBUTED IDENTITY SERVER FOR USE IN A
TELECOMMUNICATION SWITCH
Art Unit : 2618
Examiner : Angelica Perez

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Sir:

The undersigned hereby certifies that the following documents:

1. Request for Refund;
2. Deposit Account Statement dated November 2006;
3. Copy of Advisory Action dated September 25, 2006; and
4. Copy of Notice of Appeal with accompanying documents and return date stamped postcard

relating to the above application was faxed to (571) 273-6500 on February 5, 2007.

Date: February 5, 2007

Date: 5 Feb. 2007

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